

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

CARLOS NINO DE RIVERA LAJOUS,	)	
SECOND AMENDMENT FOUNDATION,	)	
INC. and NEBRASKA FIREARMS	)	
OWNERS ASSOCIATION,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:13-CV-3070-RGK-CRZ
	)	
JON BRUNING, in his official capacity as	)	
Attorney General of the State of Nebraska,	)	
and DAVID SANKEY, in his official capacity	)	
as Superintendent of the Nebraska State	)	
Patrol,	)	
	)	
Defendants.	)	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE OUT OF TIME**

COME NOW the Plaintiffs, CARLOS NINO DE RIVERA, SECOND AMENDMENT FOUNDATION, INC., and NEBRASKA FIREARMS OWNERS ASSOCIATION, by and through undersigned counsel, and move this Honorable Court for leave to file their Response to Defendants' Motion to Dismiss out of time. In support thereof, Plaintiffs state as follows:

1. Defendants filed a Motion to Dismiss on May 28, 2013.
2. Through a docketing error, Plaintiffs' counsel did not file a Response by June 18, 2013 per Local Rule 7.1(b)(1)(B). Plaintiffs' counsel regrets the error.
3. Plaintiffs' Complaint contains meritorious claims, and Plaintiffs wish to respond to the Motion to Dismiss. Judicial economy will be served by allowing the Response, and Plaintiffs will be severely prejudiced if they are not allowed to do so.

4. Pursuant to Local Rule 6.1(a)(2), Plaintiffs request 10 days, or until July 6, 2013, to respond to the Motion to Dismiss. This is due to multiple immediate obligations including a mediation in *Carlson v. U.S. Airways, Inc., et al*, 12 CV 5153 (N.D.IL), and an amended Complaint and discovery in the recently-entered *Second Amendment Arms v. City of Chicago*, 10 CV 4257 (N.D.IL).

5. Plaintiffs are not filing this Motion for dilatory purposes, or for purposes of delay, but only for judicial economy, and to seek an opportunity to respond to the Motion to Dismiss.

6. Plaintiffs' counsel's electronic signature below shall serve as an F.R.Civ.P. 11 certification of the facts contained herein.

WHEREFORE, the Plaintiffs request this Honorable Court:

1. Grant Plaintiffs leave to file their Response to Defendants' Motion to Dismiss by July 6, 2013;

2. Grant Plaintiffs any and all further relief as this Court deems just and proper.

Dated: June 26, 2013

Respectfully submitted,

By: /s/ David G. Sigale  
One of the Attorneys for Plaintiffs

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*Admitted Pro hac vice*

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned, an attorney of record for the Plaintiffs, hereby certifies that on June 26, 2013, he served a copy of the above Motion, and this certificate of service, on all counsel of record by electronic means pursuant to Electronic Case Filing (ECF).

/s/ David G. Sigale

David G. Sigale